



BENJAMIN E. MAYS PREPARATORY SCHOOL

"Preparing every student for success in high school, college, and beyond"

Benjamin E. Mays Preparatory School has adopted the

Louisiana Recovery School District

Student Code of Conduct and Discipline Management Plan

I. PHILOSOPHY OF DISCIPLINE

Every student is entitled to an education.

Every student shall comply with all rules of the Louisiana Recovery School District (and Benjamin E. Mays Preparatory School "Mays Prep").

Each teacher in Louisiana Recovery School District (and Mays Prep) is responsible for providing learning environments that are humane, just, and designed to promote excellence and to maintain safety and good order.

The home shares the responsibility in the education of our youth.

II. DEFINITION OF DISCIPLINE

"Discipline" is defined as the steps or actions which teachers, administrators, support staff, parents, and students follow to enhance student academic and social success.

III. DEFINITION OF DISCIPLINARY ACTION

Disciplinary action is the method whereby appropriate standards of conduct and order are maintained within the school environment. Disciplinary methods will include a continuum of approaches, ranging from proactive, educational, and positive procedures that promote appropriate behavior, to actions for rule violations.

IV. DISCIPLINE AND THE LAW

Expectations & rules

- Each person on the school campus will be expected to be:
 - Responsible
 - Respectful
 - Cooperative
- (Each person on campus will be expected to live the school's values of
 - Hardwork
 - Excellence
 - Discipline
 - Determination
 - Respect
 - Leadership)
- Teaching procedures will be used to support an understanding of the expectations (and the school's values).
- A positive reinforcement system will be used to motivate students to follow the expectations.

Responsibility of the Principal

In order to maintain a safe and orderly school, a principal is mandated by the Louisiana Department of Education Recovery School District, Benjamin E. Mays Preparatory School and Louisiana State Law to do the following:

1. Implement the Student Code of Conduct and Management Plan in a fair and consistent manner.
2. Inform all school personnel, parents, and students of discipline policies.
3. Maintain accurate data on school-wide issues and individual students.
4. Review and act upon requests from school personnel concerning violations.
5. Use professional judgment to prevent minor incidents from becoming major problems.

Responsibility of the Teacher

Teachers are obligated to do the following:

1. Endeavor to hold every student to a strict accountability for any disorderly conduct in school or on school grounds or other property of the school.
2. Teach and positively reinforce rules and regulations concerning student conduct.
3. Address rule violations with multiple strategies.
4. Maintain a learning environment that provides for academic success.
5. Use professional judgment to prevent minor incidents from becoming major problems.

Responsibility of the Student

Students are obligated to do the following:

1. Follow the school's expectations (and live the values).
2. Respect authority of all school personnel and the rights of other students.
3. Comply with Student Code of Conduct and Discipline Management Plan.
4. Comply with Louisiana Recovery School District attendance, dress code, zero tolerance and bullying policies.
5. Behave in a manner that focuses on academic success.
6. Be responsible and be held accountable for following classroom rules.

Responsibility of the Parent, Tutor, or Guardian

A parent or guardian should do the following:

1. Respect and support rules and regulations of each school.
2. Respect and support the (Mays Prep and) Louisiana Recovery School District policies.
3. Recognize that school personnel must enforce school rules and regulations.
4. Teach the child to respect the rights of others.
5. Emphasize the importance of being prepared for school and the adherence to school rules to foster academic success.

Discipline of Special Education Students

Students with disabilities are subject to the same discipline rules as non-disabled students, but with limitations. After the removal of students with disabilities for more than 10 school days, consecutive or cumulative, for any reason, the student must be provided with procedural safeguards. Procedural safeguards are a set of technical state and federal laws that override all other state laws to the contrary (see below).

Students without IEPs or Section 504 Plans “Deemed to Have a Disability”

If any of the following three factors are present, school officials may consider disciplinary action as if the student has a disability:

1. The parent requested an evaluation
2. The parent expressed concern in writing to the student's teacher or a school administrator about the student's need for special education and related services
3. The student's teacher or other school staff told the special services staff or other school supervision personnel of specific concerns about the student's pattern of behavior.

School personnel are deemed not to have knowledge of a student if the parent has not expressed their concerns in writing, if the parent did not provide consent for an initial

evaluation of the student, if the parent refused special educational and related services or if the student is found not to have a disability.

Unauthorized Visitors on Campus

Only those persons who have presented themselves to school office or have permission from the principal may be considered for an authorized visit on a school campus. To provide learning environments that are humane, just, and designed to promote excellence and to better maintain safety and good order, no person shall go on public elementary or secondary school grounds or in any public elementary or secondary school building or other school facility as a visitor during school hours without the authorization of the school principal or the appropriate school official designated by the school principal.

School Bus Conduct

Students must comply with all rules and guidelines related to (Mays Prep and) Louisiana Recovery School District while being transported on a school bus to or from school or to and from any school-related activity. Students shall be disciplined for committing infractions which occur while going to and from their homes or school-sponsored activities. The principal may suspend any student from school or from riding the bus upon the student's committing any infraction set forth in the Student Code of Conduct and Discipline Management Plan. School personnel must provide for rules and procedures for riding school buses.

V. INFRACTION OF SCHOOL RULES

Students disrupting normal classroom activities, violating school rules, or interfering with an orderly education process may be disciplined by disciplinary actions that employ consequences that take into consideration, but are not limited to student disciplinary history, severity of the infraction, and frequency of occurrence.

(Mays Prep &)Recovery School District Discipline Consequences

Listed in the table below are disciplinary actions that may be taken from the list of consequences. The choice of the consequence(s) will depend on the severity of the infraction, frequency of occurrence, or the age of the student.

Infraction	Consequences
Bus Disturbance	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, ***Suspension, or exclusion from riding the bus.
Classroom/Campus Disturbance	Parent/tutor/guardian contact or ***Suspension

Computer Abuse	Loss of computer privileges, *** Suspension, or *Expulsion
Cutting Class/Leaving Campus/Hooky	Parent/tutor/guardian contact, Letter to parent/tutor/guardian from administration, Parent/tutor/guardian conference at school, ***Suspension, or referral to (Dean)
Disrespect for Authority	Staff/student conference, Parent/tutor/guardian notification, or ***Suspension
Dress Code	Staff/student conference, or Administrator/counselor/ student/parent/tutor/guardian conference; number of offenses dictate action, including ***Suspension
Drugs/Alcohol	Confiscation of material, Administrator/counselor/ student/parent/tutor/guardian conference, Attend special classes, ***Suspension, or *Expulsion <i>(Some offenses have mandatory suspension/expulsion requirements under the law.)</i>
Excessive Tardiness/Absences	Parent/tutor/guardian contact, Letter to parent from Administration, Parent/tutor/guardian conference at school, ***Suspension, or referral to (Dean)
Explosive, Incendiary, Poison Gas	Confiscation, ***Suspension, Law Enforcement referral, or *Expulsion
Field Trip Behavior	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, ***Suspension, or *Expulsion
Fighting between Students	Staff/student conference, Administrator/counselor/ student/parent conference, (Dean) notified, ***Suspension, *Expulsion, or Law Enforcement referral
Forged Note	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, or ***Suspension

Receipt of any Weapon	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, Law Enforcement referral, ***Suspension, or *Expulsion
Gambling	Parent/tutor/guardian conference, ***Suspension, or *Expulsion
Habitually Violating School Rules	***Suspension or *Expulsion
Harassment, Intimidation, and/or Bullying	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, Law Enforcement referral, ***Suspension, or *Expulsion
Illegal Activity	Staff/student conference, Administrator/counselor/ student/parent/tutor/guardian conference, Law Enforcement Referral referral, ***Suspension, or *Expulsion
Missing Assigned Detention/Alternative Discipline	Staff/student conference, Administrator/counselor/ student/parent conference, ***Suspension, or *Expulsion
Indecent Behavior/Sexual Harassment	Parent/Guardian conference, ***Suspension, Law Enforcement referral, or *Expulsion.
No Hall Pass	Staff/student conference, Administrator/counselor/ student/parent conference, or ***Suspension.
Possession of Communication and Other Electronic Devices (Beepers, electronic paging devices, cellular phones, laser pointers, etc.)	Confiscation, Staff/student conference, or Administrator/counselor/ student/parent conference <i>(Neither the school nor the Recovery School District is responsible for any damage or loss of confiscated devices.)</i>
Possession/Discharging Fireworks	Confiscation, Staff/student conference, Administrator/counselor/ student/parent conference, Law Enforcement referral, ***Suspension, or *Expulsion
Possession of Firearm or Knife	Confiscation, ***Suspension, Law Enforcement referral, or *Expulsion <i>(Some offenses have mandatory suspension/expulsion requirements under the</i>

	<i>law.)</i>
Possession of Tobacco/Lighter	Confiscation of material, Administrator/counselor/ student/parent conference, Attend special classes, (notified by Dean) ***Suspension, or *Expulsion
Profane/Obscene Language/Notes/Gestures	Staff/student conference, Administrator/counselor/ student/parent conference, or ***Suspension
Smoking	Confiscation of material, Administrator/counselor/ student/parent conference, Attend special classes, (Dean) notified. ***Suspension, or *Expulsion
Stealing	Parent/Guardian conference, Full restitution ***Suspension, Police referral, or *Expulsion
Threatening Students/Faculty	Administration/counselor/student conference, Parent/guardian notification and or conference, ***Suspension, or *Expulsion
Throwing Objects	Staff/student conference, Administrator/counselor/ student/parent conference, Law Enforcement referral, ***Suspension, or *Expulsion
Unacceptable behavior/Dress/Appearance	Staff/student conference, Administrator/counselor/ student/parent conference, ***Suspension
Unprepared for Class	Staff/student conference, Administrator/counselor/ student/parent conference, ***Suspension
Vandalism/Defacement of School Property	Restitution, Parent/guardian conference, Law Enforcement referral, ***Suspension *Expulsion,
Willful Disobedience	***Suspension, Law Enforcement referral, *Expulsion

*****Suspension may consist of in school or out-of-school.**

*** The process for expulsion begins with recommendation for expulsion by the principal to the Benjamin E. Mays Preparatory School's Board of Directors.**

Alternatives to Suspension or Expulsion Programs

Academic success is directly correlated with instructional time received by the student. The implementation and utilization of alternative methods to suspension and expulsion are encouraged. Alternatives may include but not limited to the following: behavioral contracts, in-school isolation, communications with parent/tutor/guardian, short-term assignment to the alternative school, using team approach, in-school referral to counselor, before-school and after-school detention, Saturday detention, adjustment of schedule, and supervised work assignments.

Due Process

The Recovery School District (and Mays Prep) mandates that all students shall be treated fairly and honestly in resolving grievances, complaints, or in the consideration of any suspension or expulsion. Due process shall be defined as fair and reasonable approaches to all areas of student grievances and discipline on the part of all school officials in order not to arbitrarily deny a student the benefits of the instructional process.

VI. PROCEDURAL POLICIES FOR DISCIPLINE CASES

School Conference Procedures

1. A conference shall be conducted by the principal or designee prior to the suspension of any student unless the student's actions present a danger to persons or property or threatens the interruption of the learning process.
2. The conference shall be conducted with the principal or designee within a reasonable time.
3. The principal or designee shall advise student of the accused misbehavior and reasons for the accusation. The student shall be given the opportunity to present his/her version of the incident. The principal or designee may call witnesses requested by student, as appropriate. The principal or designee shall make a reasonable effort to reach a fair determination of the incident before making any disposition.
4. The principal or designee shall make a reasonable effort using available resources to contact student's parent or guardian when student is suspended or expelled.
5. The principal or designee shall meet with the parent or guardian of the student following their return to school.

Note: The designee shall inform the principal of each instance of removal of a student from the school.

Student with Disabilities

- A. For purposes of removal of a student with a disability from the student's current educational placement under §519(B)-(L) of *Regulations for Implementation of the Children with Exceptionalities Act* (R.S. 17:1941), Title 28, Part XLIII, *Bulletin 1706*, Subpart A - *Regulations for Students with Disabilities*, a change of placement occurs when
 - 1. A student with a disability is removed from his or her current educational placement for more than ten consecutive school days; or
 - 2. A student with a disability is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
- B. School personnel have the authority to order a change in placement for a student with a disability when certain conditions exist.
 - 1. School personnel may order a removal of a student with a disability from the student's current educational placement for not more than ten consecutive school days for any violation of school rules to the extent a removal would be applied to a student without a disability, and school personnel may order additional removals of not more than ten consecutive school days in the same school year for separate incidents of misconduct as long as the removals do not constitute a change of placement as defined in §519(A) of this section.
 - 2. School personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time a student without a disability would be subject to discipline, but for not more than forty-five (45) days, if
 - a. The student carries or possesses a weapon at school or at a school function under the jurisdiction of the State or an LEA; or
 - b. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the State or an LEA.
- C. For purposes of this section, the following definitions apply:
 - 1. *Controlled substance* means a drug or other substance identified under schedule I, II, III, IV, or V in Sec. 202 (c) of the Controlled Substance Act (21 U.S.C. 812 (c)).
 - 2. *Illegal drug* means a controlled substance but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.
 - 3. *Weapon* has the meaning given the term *dangerous weapon* under paragraph (2) of the first Subsection (g) of Sec 930 of Title 18, United States Code.
- D. A hearing officer who meets the requirements of §508 has the authority to order a change in placement for a student with a disability when certain conditions exist.
 - 1. The hearing officer may order a change in the placement of a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) days if the hearing officer, in an expedited due process hearing:

- a. Determines that the LEA has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others (substantial evidence means beyond a preponderance of the evidence);
 - b. Considers the appropriateness of the student's current placement;
 - c. Considers whether the LEA has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 - d. Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets all IAES requirements as set forth in Subsection (G).
- E. An LEA need not provide services during periods of removal under §519(B)(1) to a student with a disability who has been removed from his or her current placement for ten school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed.
 - 1. In the case of a student with a disability who has been removed from his or her current placement for more than ten school days in that school year, the LEA, for the remainder of the removals, shall provide services to the extent necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP, if the removal is
 - a. Under the school personnel's authority to remove under §519(B)(1) for not more than ten consecutive school days, as long as that removal does not constitute a change of placement as defined in §519(A); school personnel, in consultation with the student's special education teacher, shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP;
 - b. For behavior that is not a manifestation of the student's disability consistent with §519(H) of these regulations, the student's IEP team shall determine the extent to which services are necessary to enable the student to progress appropriately in the general curriculum and to advance appropriately toward achieving the goals set out in the student's IEP.
 - 2. An LEA shall provide services that will enable the student to continue to progress in the general curriculum and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP. The LEA shall include services and modifications designed to address the behavior described below and to prevent the behavior from recurring if the removal is
 - a. For drugs or weapon offenses (the IEP team determines the interim alternative educational setting); or
 - b. Based on a hearing officer's determination that maintaining the current placement of the student is substantially likely to result in injury to the student or others if he or she remains in the current placement. (School personnel, in consultation with the student's special education teacher, shall propose the interim alternative educational setting to the hearing officer.)

- F. Either before or not later than ten business days after either first removing the student for more than ten school days in a school year or commencing a removal that constitutes a change of placement as defined in §519(A), and including the action described in §519 (B)(2) of this section, the LEA shall follow prescribed procedures as listed below.
1. If the LEA did not conduct a functional behavior assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, the LEA shall convene an IEP meeting to develop an assessment plan.
 2. If the student already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation and modify the plan and its implementation as necessary to address the behavior.
 3. As soon as practicable after developing the behavioral intervention plan and completing the assessment required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.
 4. If, subsequently, a student with a disability who has a behavioral intervention plan and who has been removed from his or her placement for more than ten school days in a school year is subjected to a removal that does not constitute a change of placement, the IEP team members shall review the behavior intervention plan and its implementation to determine whether modifications are necessary.
 - a. If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation to the extent the team determines necessary.
- G. The interim alternative educational setting referred to in paragraph (B) of this section shall be determined by the IEP team. Any interim alternative educational setting in which a student is placed under paragraphs (B)(2) and Subsection (D) shall:
1. Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP; and
 2. Shall include services and modifications designed to address the behavior described in paragraph (B)(2) and Subsection (D) and to prevent the behavior from recurring.
- H. Manifestation determination review is required whenever an action involving a removal that constitutes a change of placement for a student with a disability is contemplated.
1. Not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and shall be provided the procedural safeguards notice (*Louisiana's Educational Rights of Children with Disabilities*).
 2. Immediately, if possible, but in no case later than ten school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the student's disability and the behavior subject to the disciplinary action.

3. The review shall be conducted by the IEP team and other qualified personnel in a meeting.
 4. In carrying out the manifestation determination review, the IEP team and other qualified personnel may determine that the behavior of the student was not a manifestation of the student's disability only if the IEP team and other qualified personnel
 - a. consider, in terms of the behavior subject to disciplinary action, all relevant information, the evaluation and diagnostic results, including the results or other relevant information supplied by the parent of the student; observations of the student; and the student's IEP and placement, and
 - b. determine that
 - i. in relationship to the behavior subject to disciplinary action, the student's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;
 - ii. the student's disability did not impair the ability of the student to understand the impact and consequence of the behavior subject to disciplinary action; and
 - iii. the student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.
 5. If the IEP team and other qualified personnel determine that any of the standards in paragraph (4)(b) of this section were not met, the behavior shall be considered a manifestation of the student's disability.
 6. If the IEP team and other qualified personnel determine that the behavior is a manifestation of the student's disability, the disciplinary removal cannot occur, unless the removal is in accordance with §519(B)(2)(a) and (b) and §519(D).
 7. The manifestation review meeting may be conducted at the same IEP meeting that is convened to conduct the functional behavioral assessment.
 8. If in the review, the LEA identifies deficiencies in the student's IEP or placement or in their implementation, it shall take immediate steps to remedy those deficiencies.
- I. When the determination is made that the behavior was not a manifestation of the student's disability, prescribed guidelines shall be followed.
1. If the results of the manifestation determination review is that the behavior of the student was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they would be applied to students without disabilities, except a FAPE as defined in paragraph (E) of this section shall be provided.
 2. If the LEA initiates disciplinary procedures applicable to all students, the LEA shall ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the persons or persons making the final determination regarding the disciplinary action.
 3. Except as provided in §519(K)(1), if a parent requests a hearing to challenge a determination made through the review process that the behavior of the student was not a manifestation of the student's disability, the student's status during due process proceeding shall follow §514.

- J. If the student's parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement and discipline, the parent may request a hearing.
 - 1. The department, consistent with §507 and §508(B), shall arrange for an expedited hearing in any case described in the above paragraph if a hearing is requested by a parent.
 - a. In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the LEA has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of §519(H)(5).
 - b. In reviewing a decision under §519 (B)(2) to place a student in an interim alternative educational setting, the hearing officer shall apply the standards in §519(D).
- K. The student's placement during appeal shall follow prescribed guidelines.
 - 1. If the parents request a hearing regarding a disciplinary action described in §519(B)(2) or §519(D)(1)(a)-(d) to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until expiration of the time period provided for in §519(B)(2) or §519(D)(1)(a)-(d), whichever occurs first, unless the parent and the state or LEA agree otherwise.
 - 2. If a student is placed in an interim alternative educational setting pursuant to §519(B)(2) and §519(D)(1)(a)-(d) and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pending of any proceeding to challenge the proposed change in placement, the student shall remain in the current placement (student's placement prior to the interim alternative educational setting), except as provided in (K)(3) below.
 - 3. The LEA may request an expedited due process hearing if school personnel maintain that it is dangerous for the student to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings.
 - a. In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §519(D)(1)(a)-(d).
 - b. Placement ordered pursuant to (3)(a) above may not be longer than forty-five (45) days.
 - c. The procedures in (3) above may be repeated as necessary.
- L. A student who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the LEA including any behavior described in §519(B) and §519(E), may assert any of the protections provided for in this section if the LEA had knowledge (as determined in accordance with paragraph (2) below, that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

1. An LEA shall be deemed to have knowledge that a student is a student with a disability if
 - a. the parent of the student has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the LEA that the student is in need of special education and related services;
 - b. the behavior or performance of the student demonstrates the need for these services, in accordance with the definition of a student with a disability;
 - c. the parent of the student has requested an evaluation of the student; or
 - d. the teacher of the student or other personnel of the LEA has expressed concern about the behavior or performance of the student to the director of special education of the LEA or to other personnel in accordance with the LEA's established Child Find or special education referral system.
 2. An LEA would not be deemed to have knowledge under paragraph (1) above, if as a result of receiving the information specified in that paragraph, the LEA either
 - a. conducted an evaluation and determined that the student was not a student with a disability; or
 - b. determined that an evaluation was not necessary and provided notice to the student's parents of its determination.
 3. Certain conditions apply if there is no basis of knowledge.
 - a. If an LEA does not have knowledge that a student is a student with a disability, in accordance with paragraphs (1) and (2) above, prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as measures applied to students without disabilities who engaged in comparable behaviors.
 - b. If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in less than sixty business days, without exception or extensions.
 4. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
 5. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the LEA and information provided by the parents, the LEA shall provide special education and related services in accordance with the provisions of these regulations, including the requirements of §519(B)-(N) and R.S.17:1943.6.
- M. Expedited due process hearings addressed in paragraph (J) of this section shall follow the procedures prescribed below.
1. The hearing shall meet the requirements of §507(A).
 2. The hearing shall be conducted by a due process hearing officer that meets the criteria established in §508.
 3. The hearing shall result in a written decision that shall be mailed to the parties within twenty business days of the LEA's receipt of the request for the hearing, without exceptions or extensions.

4. The hearing shall have time lines that are the same for hearings requested by the parents or the LEA.
 5. The hearing shall be conducted according to guidelines established in §508 of these Regulations, where appropriate, except for the timelines at §508(C)(4), and according to guidelines established by the department.
 6. The decisions on expedited due process hearings are appealable, consistent with the procedures established at §512 of *Bulletin 1706*.
- N. Nothing in this part prohibits an LEA from reporting a crime committed by a student with a disability to appropriate authorities or to prevent state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability.
1. An LEA reporting a crime committed by a student with a disability shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.
 2. An LEA reporting a crime under this section may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

Appeal of Suspension

Any parent, tutor, or legal guardian of a suspended student shall have the right to appeal to the school Principal or his/her designee who shall conduct a hearing on the merits. The decision of the school Principal merits of the cases, as well as the terms of suspension, shall be final, reserving to the school Principal the right to remit any portion of the time of suspension.

Parents of students with disabilities who disagree with the long-term removal for disciplinary reasons have the right to request a due process hearing pursuant to the structure established in the *Parent's Rights Handbook*.

Expulsion

1. Expulsion is defined as a removal from all regular school settings for a period of not less than one school semester.
2. Any student after being suspended for committing any of the offenses cited in R.S 17:416 may be expelled, upon recommendation by the principal of the public school in which the student is enrolled. The principal shall immediately suspend and recommend for expulsion a student who is found carrying or possessing a firearm, a knife the blade of which equals or exceeds two inches in length (except that, if the student is less than eleven years of age in pre-kindergarten through grade five, the principal shall immediately suspend and may, but is not required to, recommend

expulsion), or another dangerous instrumentality, or who possesses, distributes, sells, gives, or loans any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law, in any form.

3. Any student who has been suspended on three occasions for committing any of the offenses set forth in R.S. 17:416, during the same school year, shall on committing the fourth such offense be expelled from school until the beginning of the next regular school year and the student's reinstatement shall be subject to the review and approval of the school Principal.
4. Any student who has been expelled pursuant to the provisions of R.S. 17:416(C)(2) shall be not be readmitted to the school without the express approval of the school Principal.

Note: No student who has been expelled pursuant to the provisions of 17:416 shall be admitted to any public school in any other parish or city school system in the state except upon the review and approval of the governing authority of the school system to which he seeks admittance.

Appeal of Expulsion

1. The parent, tutor or guardian may, within five days after the decision is rendered, request the Board of Elementary and Secondary Education (BESE) or its designee to review the findings of the school Principal or his/her designee at a time set by the board or its designee; otherwise, the decision of the school Principal or his/her designee will be final.
2. If requested, and after reviewing the findings of the school Principal or his/her designee, BESE or its designee may affirm, modify or reverse the action previously taken.

Direct Expulsion by the Recovery School District

1. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act which had it been committed by an adult would have constituted a felony may be cause for expulsion of the student for a period of time as determined by the board. The expulsion shall require the vote of two-thirds of the elected members of BESE.
2. The conviction of any student of a felony or the incarceration of any student in a juvenile institution for an act, whether said act is committed in this state or outside this state, which had it been committed by an adult would have constituted a felony in this state may be sufficient cause for the school Principal to refuse admission of said student to any school under his/her jurisdiction except upon review and approval of a majority of the elected members of BESE if and when request for admission is made to the board

VII. SCHOOL ATTENDANCE AND THE LAW

The Compulsory School Attendance law (R.S. 17:221) is designed to protect and guarantee the rights of children. Every parent, tutor, or other person residing within the state of Louisiana, having control or charge of any child from the child's seventh birthday until his/her eighteenth birthday, shall send such child to a public or private day school, unless the child graduates from high school prior to his/her eighteenth birthday. Any child below the age of seven who legally enrolls in school is also subject to the compulsory attendance law.

No public elementary or secondary school pupil shall be permitted for any reason to absent himself/herself from school attendance during the school day upon his/her own authority.

The school Principal recognizes that an absence interrupts the learning process and results in delays, and constitutes a detriment in the student's attainment of skills and knowledge. Children are required to attend school each day scheduled by the school system, except for excused absences as set forth below.

Temporarily Excused Absences

1. Personal illness
2. Prior school system-approved travel for education
3. Death in family (not to exceed one week)
4. Natural catastrophe and/or disaster
5. Participation in school approved activity which necessitates student being away from school
6. Absence for the observance of recognized holidays of the child's own faith
7. The delineated extenuating circumstances listed below:
 - Extended personal illness of a child whose attendance in school would endanger his/her own health or that of his/her classmates, as verified by a physician, dentist, or nurse practitioner licensed to practice in Louisiana.
 - Extended hospital stay as verified by a physician or dentist licensed to practice in Louisiana.
 - Extended recuperation from an accident as verified by a physician or dentist licensed to practice in Louisiana.
 - Extended contagious disease within the family as verified by a physician or dentist licensed to practice in Louisiana.
 - Children exempt by R.S. 17:226.
8. For any other extenuating circumstances, parents must make a formal appeal in accordance with the due process procedures established by the school district.

Attendance Policy in Elementary and Middle Schools

1. Students must be present a minimum of 160 days per school year to be eligible for promotion. Exceptions can be made when substantiated by a practicing physician in

the event of temporary or extended personal illness and serious illness in the family. Other exceptions are death in the immediate family, with appropriate verification; children whose religious faith requires absence for the observance or recognized holidays of the child's own faith; natural catastrophe and/or disaster; or other extenuating circumstances approved by the supervisor of child welfare and attendance in consultation with the principal or his/her designee. Excused absences for children to attend other selected activities will be reviewed by the appropriate personnel for educational appropriateness.

2. Students missing school as a result of any suspension shall be counted as absent and considered unexcused and shall be given failing grades for work missed. For any other extenuating circumstances, parents, tutors or guardians shall have the right to appeal the denial of promotion to the parish supervisor of child welfare and attendance.
3. The principal or his/her designee shall contact parents, tutors, or guardians and ascertain reasons for absences. When a student returns to school after an excused absence, the student shall have the opportunity to complete missed assignments. Make-up work shall be permitted only when written excuses from parent(s), tutor(s) or guardian(s) have been received in accordance with this policy.

Attendance Policy in High School

1. Students must be present a minimum of eighty (80) days per semester to be eligible to earn credit for the courses taken. Students attending high school classes operating in 90-minute blocks of instructional time shall be in attendance eighty (80) days, or its equivalent, in order to be eligible to receive credit. Exceptions can be made when substantiated by a practicing physician in the event of temporary or extended personal illness and serious illness in the family. Other exceptions are death in the immediate family, with appropriate verification, children whose religious faith requires absence for the observance or recognized holidays of the child's own faith, natural catastrophe and/or disaster, or other extenuating circumstances approved by the supervisor of child welfare and attendance in consultation with the principal or designee. Excused absences for children to attend other selected activities will be reviewed by the appropriate personnel for educational appropriateness.
2. Students missing school as a result of any suspension shall be counted as absent and considered unexcused and shall be given failing grades for work missed. For any other extenuating circumstances, parents, tutors or guardians shall have the right to appeal the denial of promotion to the parish supervisor of child welfare and attendance.
3. The principal or his/her designee shall contact parents, tutors or guardians and ascertain reasons for absences. When a student returns to school after an excused absence the student shall have the opportunity to complete missed assignments. Make-up work shall be permitted only when written excuses from parent(s), tutor(s) or guardian(s) have been received in accordance with this policy.

VIII. DRESS CODE

All students are expected to maintain personal attire and grooming standards that promote safety, health, and acceptable standards of social conduct. Cleanliness shall be a basic consideration. Students are expected to be responsible in their dress and grooming by avoiding extremes and manifesting self-discipline with regard to their appearance. For health and safety reasons, students must wear shoes to school.

Student dress and appearance that disrupts the school environment may result in the requirement of changing to appropriate attire and/or further disciplinary action. The principal of each school shall make the final decision as to what is considered proper or improper attire.

Guidelines for acceptable, normal, good grooming should be taught and enforced in the home by the parents as part of their responsibility in training their children for responsible citizenship. Cooperation of parents is expected.

Any substantial complaint concerning the dress code shall be dealt with by the school administration.

Principals may declare spirit or club days and allow students to wear school spirit shirts, or dress-up days (i.e., when school pictures are scheduled) or allow students to wear other dress code attire such as uniforms or special dress for Boy Scouts, Girl Scouts, athletes, cheerleaders, band, or chorus. Other questions about the dress code should be referred first to the school authorities, then to the central office staff.

IX: ZERO TOLERANCE

Discipline should be a learning process, which teaches individuals to behave in a manner consistent with stated expectations. It is the expectation of the Recovery School District and Mays Prep that every student should avoid physical confrontation by walking away and/or seeking help from a staff member and shall not instigate fights or confrontations.

Responsibilities

It is the responsibility of the student, parent, and staff members to report any incidences that may result in a physical confrontation.

Note to Students: It is your responsibility to alert a principal, teacher, coach, or other responsible school official to any hostile attempt directed at you. Administrators are then required to take immediate action to prevent further hostility.

Violence Prevention Program for middle and high school students

The Louisiana Recovery School District New Orleans, in implementing the Zero Tolerance Policy, requires the school principal to make a formal report to law enforcement officers when school officials determine that a fight has occurred on campus, at extracurricular activities, on school buses, or at school bus stops.

The Violence Prevention Program is preventive in nature and is intended to ensure that schools will be a safe haven for all students. Parents can be assured that every reasonable precaution will be taken to keep their children safe and prevent violent acts from occurring at our schools.

X. HARASSMENT, INTIMIDATION and BULLYING

Harassment, intimidation and bullying of any kind will not be tolerated.

"Harassment," "intimidation," and "bullying" are defined as any intentional gesture or written, verbal, or physical act that:

- a. A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and
- b. Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

Each school shall educate its student population and staff concerning the Recovery School District's intolerance of such harassment and shall require students and staff to report any such behavior to the school principal or designee. Harassment, intimidation, and bullying policy information shall be disseminated to the student population.

Procedures for Student-To-Student Harassment, Intimidation and/or Bullying Complaints

Complaints of harassment, intimidation and/or bullying should be filed with the school principal or designee. All reports received shall be properly and adequately investigated, and appropriate action shall be taken.